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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARGARET REYES,

Plaintiff,

Vs.

No. C11-04628 YGR [ECF]

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT,

Defendant.

---

DEPOSITION OF: LISA LEVIN

TAKEN ON: JULY 18, 2012

13168

ERIN SHANNON

CSR No. 11355

1 Q. So you decided that she needed to see it  
2 being done the first session and the second session  
3 with the kids. Right?

4 A. Multiple sessions.

10:58:50 5 Q. All right. The third session, the same  
6 thing?

7 A. The third session she -- what I recollect,  
8 but I don't have full memory of what happened during  
9 the third session at all, is that she played a  
10:59:05 10 certain role. So, for example, like, we sat side by  
11 side during the mini lesson, and I taught some of the  
12 components, and she taught maybe one of the  
13 components.

14 Q. All right.

10:59:20 15 A. So we -- we -- it's called a jigsaw.

16 Q. What did she teach?

17 A. I don't remember.

18 Q. How did she teach?

19 A. I don't remember.

10:59:28 20 Q. Okay. Fourth session, what do you recall  
21 about that?

22 A. I don't have any recollection.

23 Q. All right. Do you have any recollection of  
24 observing her teaching?

10:59:41 25 A. I have a recollection of observing her in

1 the classroom but not teaching, more trying to manage  
2 the students.

3 Q. Okay. So you came into the classroom to do  
4 your reading workshop with the kids. Right?

11:00:02 5 A. Uh-huh.

6 Q. So what did you observe about her managing?

7 A. What I observed is that there was no  
8 structure in terms of the management. There wasn't a  
9 routine for, like, how kids would come to the carpet.  
11:00:20 10 There weren't procedures for students using the  
11 restroom.

12 When I would walk into the classroom before  
13 I would teach, there would be students doing a  
14 variety of different things. So some appeared to be  
11:00:35 15 doing what she was finishing up, whether that was  
16 copying, like, doing spelling work or whatever.

17 There was one child I recall playing with  
18 Legos instead of doing the learning that was being  
19 asked of him.

11:00:53 20 There were students who had a difficult time  
21 emotionally, like, staying calm. There were students  
22 who used the restroom, like, multiple times within --  
23 within an hour and would leave the classroom and  
24 would -- from my position would seem to be gone for,  
11:01:15 25 like, a long period of time.

1           There were students eating in the classroom  
2 when I would walk in.

3           Q. When did you walk in when they were eating?

4           MR. RAYMOND: Objection. She hasn't  
11:01:31 5 finished her answer. Objection.

6           THE WITNESS: I believe at the time I would  
7 walk into the room was around 8:45, 8:50, somewhere in  
8 there, so she would be finishing up doing something as I  
9 would come in or the kids were getting ready for me to  
11:01:48 10 come in to teach them workshop.

11           I remember that the classroom environment  
12 there were piles of papers everywhere, there were piles  
13 of books, there was a very disheveled classroom library  
14 area that I was trying to kind of help clean up, that  
11:02:11 15 when I would go to work with students at their desks  
16 there would be food in their desks, their materials  
17 inside their desks were in disarray. Those are some of  
18 the things that I remember.

19 BY MR. ROGERS:

11:02:28 20           Q. Do you remember talking to Ms. Reyes about  
21 any of that?

22           A. Yes.

23           Q. Okay. What do you recall about that?

24           A. I recall mostly talking to her about just  
11:02:43 25 why don't -- you know, posting some expectations for

1 MR. ROGERS: All right. So let's mark as  
2 Exhibit 2 a PAR referral.

3 (Whereupon, Exhibit 2 was marked for  
4 identification.)

11:05:45 5 MR. RAYMOND: She will give you a copy.

6 BY MR. ROGERS:

7 Q. Do you recognize any part of Exhibit 2?

8 A. Yes. I recognize the statement of concern.

9 Q. Okay. Prior to -- well, why did you prepare  
11:06:08 10 the statement of concern?

11 A. Because I was concerned.

12 Q. Why?

13 A. I was concerned because when I was in  
14 Margaret's classroom I was concerned that she needed  
11:06:23 15 additional support, support beyond what I could give  
16 her in her classroom environment and her classroom  
17 management.

18 Q. Did you tell her that you were going to seek  
19 support for her?

11:06:38 20 A. No.

21 Q. Did you tell anybody that you were going to  
22 seek support for her?

23 A. No.

24 Q. Did you consider that your PAR referral or  
11:06:47 25 your statement of concern was supportive?

1 MR. RAYMOND: Objection. Vague and  
2 ambiguous.

3 THE WITNESS: My statement of concern was  
4 made in order to provide Margaret with additional  
11:07:08 5 support through the Peer Assistance and Review Program  
6 where teachers get intensive coaching in a particular  
7 area that they might be struggling with.

8 The choice of my statement and the choice of  
9 the way that my concern is written was to -- was to be  
11:07:34 10 sure that she would receive the extra support.

11 BY MR. ROGERS:

12 Q. Did you realize when you wrote it that you  
13 were asking for a PAR referral?

14 A. Yes.

11:07:42 15 Q. Did you realize when you wrote it that there  
16 is a huge stigma attached to PAR referrals?

17 A. No.

18 Q. You didn't know that?

19 A. No.

11:07:53 20 Q. Okay. Do you know what the impact on a  
21 teacher is in terms of a PAR referral in terms of  
22 vulnerability to being terminated?

23 A. No.

24 Q. You don't know that?

11:08:04 25 A. No.

1 Q. How long were you a PAR coach?

2 A. For three years.

3 Q. How many people?

4 A. Probably 36 teachers.

11:08:11 5 Q. How many survived?

6 A. 24 -- 34. 34.

7 Q. 34 stayed with the district?

8 A. Yes.

9 Q. For how long?

11:08:19 10 A. I don't have that -- I don't know. Beyond,

11 you know, multiple years.

12 Q. When you wrote this statement of concern,

13 had you spoken to anybody about it ahead of time?

14 A. No.

11:08:42 15 Q. Did you talk to Mr. Zapien about it?

16 A. No.

17 Q. So the first -- the only person you talked

18 to about it was -- what's her name? -- Hobbs?

19 A. So I -- yes.

11:08:57 20 Q. Okay. What did -- what was unsafe about the

21 classroom?

22 A. There were a number of materials throughout

23 the classroom, just stacks of paper throughout the

24 classroom, stacks of books throughout the classroom.

11:09:15 25 The place where a classroom library was supposed to

1 be, the bookshelf was -- was kind of not safe. It  
2 was about, like, to kind of fall down.

11:09:36

3 Students -- there were no expectations for  
4 students' behaviors that were established. There  
5 were no routines or procedures in place so students  
6 were, like, leaving the classroom to use the restroom  
7 at times. Students were getting into altercations in  
8 the classroom. Arguments. There were no -- there  
9 was no physical fights but just arguments. There was  
10 one student in particular who did have emotional  
11 needs, and he would throw tantrums. There was --

11:09:57

12 Q. Okay. Keep going.

13 A. No. I will stop.

14 Q. Was there --

11:10:15

15 MR. RAYMOND: You were going to say  
16 something. If you have additional information, you  
17 have got to provide a complete answer.

18 THE WITNESS: Okay. There was food that had  
19 been left in the classroom in students' desks that  
20 was unwrapped or half eaten.

11:10:29

21 BY MR. ROGERS:

22 Q. The kid who threw tantrums, what was your  
23 recommendation as to how to deal with that?

24 A. I don't remember if we had a specific  
25 conversation about that student. I remember -- a

11:10:48



1 or routines in place.

2 Q. Aside from your going in and giving  
3 demonstrations -- which is all you remember. Right?

4 A. (Nods head.)

11:15:58 5 Q. You never observed her teaching, did you?

6 A. No, I did not.

7 Q. Okay. And when you came in and children  
8 were eating, could that have been because you came in  
9 at the end of the lunch period?

11:16:11 10 A. No.

11 MR. RAYMOND: Objection. Calls for  
12 speculation.

13 THE WITNESS: I was not there at the end of  
14 the lunch period.

11:16:17 15 BY MR. ROGERS:

16 Q. So you're always there at 8:30 in the  
17 morning?

18 A. I was there between -- I can't tell you  
19 exactly, but it was probably between 8:45 and 10:30.

11:16:28 20 It was always in the morning.

21 Q. Okay. And during that time there's no  
22 snacks or anything like that?

23 A. Not scheduled.

24 Q. Now, when you said that students were not  
11:16:47 25 aware of expectations for behavior or learning, did

1 you ask the students what their expectations were?  
2 How did you do that?

3 A. No, I did not ask them.

4 Q. Well, how did you come to that conclusion?

11:17:00 5 A. When I was demonstrating lessons, I had to  
6 set the expectations.

7 So I started in her room in the middle of  
8 the year so I had to tell students how I expected  
9 them to come to the carpet because the first time I  
11:17:17 10 did it thinking maybe they knew how to come to a  
11 carpet for a lesson or where to sit on the carpet I  
12 noticed very quickly that they didn't know, that they  
13 were talking, that they didn't know where to sit.  
14 They were arguing about where they were sitting.

11:17:35 15 So I recognized that I had to set the  
16 expectations; when you come to the carpet, this is  
17 what it sounds like, here is where you must sit, here  
18 is your seating chart of where you must sit when you  
19 come to the carpet, when you share with a partner,  
11:17:51 20 this is what it looks like.

21 So I had to establish all of the  
22 expectations and reinforce them because it was  
23 apparent to me by their behavior that that had not  
24 been done.

11:18:01 25 Q. Did you talk to Ms. Reyes about how she

1 controlled them?

2 A. I spoke -- I gave Ms. Reyes suggestions.

3 Q. Did you ask her --

4 A. I don't recall.

11:18:15 5 Q. Okay. Were there options to a PAR referral?

6 MR. RAYMOND: Objection. Vague and  
7 ambiguous.

8 THE WITNESS: I don't know what you mean by  
9 that.

11:18:32 10 BY MR. ROGERS:

11 Q. Is there somebody like an instructional  
12 reform facilitator?

13 A. I -- there is an instructional reform  
14 facilitator.

11:18:45 15 The reason why I referred Margaret for PAR  
16 is -- is to give her additional support that was  
17 intensive. So to me what I saw was that Margaret  
18 potentially needed very -- some support that was long  
19 term and intensive, someone to work with her one on  
11:19:13 20 one for a long period of time, and I felt like PAR  
21 was the best vehicle to get her that intensive  
22 continuous support.

23 Q. And you don't know as you sit here today  
24 that if a teacher is referred to PAR that even if  
11:19:32 25 they survive it they are more vulnerable to being

1 terminated?

2 A. No, I don't know that. I see it -- I mean,  
3 I was working as a PAR coach. I saw it as a  
4 tremendous system of support for teachers.

11:19:47 5 It's the only system in our district that  
6 provides teachers who are experienced with -- with  
7 intensive coaching and support. There's no other  
8 system currently that does that.

9 Q. Okay. How many times have you referred  
11:20:21 10 teachers to PAR?

11 A. As a teacher referring other teachers,  
12 Margaret was the first time I had done it.

13 Q. Did you tell Mr. Zapien that you had  
14 referred her to PAR?

11:20:43 15 A. No.

16 Q. He testified that -- that he found out. Did  
17 he find out from you? Did you tell him at some  
18 point?

19 A. I don't remember. I don't recall any  
11:20:56 20 conversation. I know that I did not tell him  
21 beforehand. And I even checked with the PAR office  
22 that it would be anonymous.

23 My referring Margaret was anonymous so I --  
24 I don't know -- I don't recall if I did have a  
11:21:20 25 conversation with him at some point or anything. I

1 Q. Bad enough for the need of a PAR referral to  
2 support him?

3 A. I don't know anything about Dan Brady and  
4 PAR.

11:23:54 5 Q. Okay. When you talked to Jessica Hobbs,  
6 what did you tell her about the PAR referral?

7 A. I just -- I gave her the form, which --  
8 which this isn't the form. There is a formal form, I  
9 believe. I don't know. Maybe there's not. Maybe I  
11:24:22 10 don't remember.

11 Q. Did you just give her this statement?

12 A. Yes. I didn't say anything more. I said, I  
13 am sorry if I am putting you in a difficult position.  
14 She was going to talk to her -- the union about what  
11:24:35 15 she was supposed to do next.

16 I had gotten the information that after I  
17 gave her this that she was required to give it to  
18 Richard and that was the -- that was all and that it  
19 was anonymous.

11:24:55 20 Q. Do you need to have a credential or  
21 certificate to be a reading specialist?

22 A. Yes.

23 Q. When did you get one?

24 A. Well, I went to San Francisco State and was  
11:25:11 25 in the master's program there, and I don't remember

1 I, ERIN SHANNON, Certified Shorthand Reporter,  
2 License No. 11355, do hereby certify:

3 That, prior to being examined, the witness named  
4 in the foregoing deposition, to wit, LISA LEVIN, was by  
5 me duly sworn to testify the truth, the whole truth and  
6 nothing but the truth:

7 That said transcript was taken down by me in  
8 shorthand at the time and place therein named and  
9 thereafter reduced to computerized transcription under  
10 my direction.

11 I further certify that I am not interested in the  
12 event of the action.

13  
14 WITNESS this 20<sup>th</sup> day of July, 2012.

15  
16 

17 ERIN SHANNON, CSR NO. 11355  
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22  
23  
24  
25

02/10/2012 12:00 IFAX sffax@jacksonlewis.com  
HUMAN RESOURCES

Fax 4152410147

Reception  
Feb 10 2012 11:57am 003/005  
P.02

APR-19-2011 13:32

2010-2011  
2009-2010

SFUSD

PAR Referral by U.E.S.F. Building Representative

Margaret Burns  
Name of Teacher Being Referred2/25/11  
Date of Submission of StatementHillcrest Elementary School  
School2/24/11  
Date of Discussion with UESF Building Rep  
and PrincipalStatement of Concern based on classroom performance not solely on issues of neglect of duty or  
misconduct. (Attach most recent summary evaluation and written classroom performance reports)

Please see attached.

UESF Building Rep Signature:

Date:

2/25/11

Principal's Response to this referral: Agree ☒ Disagree ☐ Please explain:

Please see attached.

Principal's Signature: Date:

Date Given to Building Rep:

Date Given to PAR  
Co-Chairs:By: UESF Building Rep  
or  
By: Principal

Peer Assistance and Review (PAR) Program

page 1 of 66

EXHIBIT

2  
Levin

SFUSD 000188

02/10/2012 12:00 IFAX sfax@jacksonlewis.com  
HUMAN RESOURCES

Fax 4152418147

+ Reception 0004/006  
Feb 10 2012 11:57am P004/005

HR-19-2011 13:32

P.03

Statement of Concern:

Ms. Burns does not exhibit a classroom environment that is safe or engages all students. The physical environment is in disarray and materials are disorganized. There are no classroom routines or procedures in place. Students are not aware of expectations for behavior or learning.

SFUSD 000189



# MILLER & COMPANY REPORTERS

**CERTIFIED  
TRANSCRIPT**

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF CALIFORNIA

MARGARET REYES, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SAN FRANCISCO UNIFIED SCHOOL )  
 DISTRICT, )  
 )  
 Defendant. )  
 ----- )

SAN FRANCISCO UNIFIED SCHOOL )  
 DISTRICT, )  
 )  
 Counterclaimant, )  
 )  
 v. )  
 )  
 MARGARET REYES, RICHARD M. )  
 ROGERS, THE LAW OFFICE OF )  
 RICHARD M. ROGERS, AND DOES 1 )  
 THROUGH 10, INCLUSIVE, )  
 )  
 Counterdefendants. )  
 ----- )

DEPOSITION OF: PHILIP MILLER

TAKEN ON: June 8, 2012

**NO.** 13136

**REPORTED BY:**

JULIE ALFORD  
CSR No. 7694

Los Angeles

San Francisco

800.487.6278

1 time in conversation -- I'll probably let you go  
2 ahead, but then I'm going to have to state the  
3 question again, and you're going to have to answer  
4 again. So try to be disciplined about that. By the  
14:09:50 5 same token, if I interrupt an answer, let me know,  
6 and I'll stop and you can finish your answer.

7 A. Okay.

8 Q. What else can I tell you?

9 It's important to answer out loud. "Uh-huh"  
14:10:06 10 doesn't work that well for depositions. So yeses and  
11 noes. I'm probably not going to ask that many yes  
12 and no questions, but we'll see.

13 I don't want you to guess. If you don't  
14 remember something, let me know that. If you have a  
14:10:18 15 vague recollection, I'm entitled to it. Just let me  
16 know that it's a vague recollection. But if you  
17 really don't remember, let me know that. All right?

18 A. Okay.

19 Q. When did you first meet Margaret Reyes?

14:10:34 20 A. Whatever the year was that she first started  
21 at Hillcrest.

22 Q. All right. Are you employed by the San  
23 Francisco Unified School District?

24 A. Yes.

14:10:44 25 Q. All right. How long have you been so

1 employed?

2 A. Since 1991.

3 Q. What do you teach?

4 A. I teach middle school, all middle school  
14:10:56 5 subjects to home school students.

6 Q. All right. Are you still associated with  
7 Hillcrest?

8 A. No. I work for a Student Support Services.

9 Q. All right. During the 2008, 2009 school  
14:11:14 10 year, were you on the Union Building Committee?

11 A. For part of the year.

12 Q. Okay. What part of the year was that?

13 A. The fall.

14 Q. While you were on the Union Building  
14:11:40 15 Committee, did Ms. Reyes' name come up?

16 MS. MAYLIN: Well, it's vague.

17 THE WITNESS: If that was the year that she  
18 was having her problems there, I would say yes.

19 BY MR. ROGERS:

14:12:02 20 Q. Okay. Who was on the committee?

21 A. I believe it was myself and June Dayao.

22 Q. All right. Anybody else on the committee at  
23 that time?

24 A. Not that I remember. I don't remember.

14:12:24 25 Q. Okay. How did Ms. Reyes' name come up?

1 MS. MAYLIN: And I don't want to interrupt,  
2 but I just want to let you know, Mr. Miller, that if  
3 you need to take a break at any time --

4 THE WITNESS: Okay. Sure.

14:12:44 5 MS. MAYLIN: -- to stretch your legs, relax,  
6 whatever --

7 THE WITNESS: Sure.

8 MS. MAYLIN: -- just let us know, and --  
9 and, you know, we can take ten breaks if you need to.

14:12:46 10 THE WITNESS: Yeah.

11 MS. MAYLIN: Okay?

12 THE WITNESS: Thanks.

13 MS. MAYLIN: All right.

14 THE WITNESS: Thanks.

14:12:54 15 I don't have like a really clear  
16 recollection of the specific time, fall of 2008, and  
17 what was being discussed at the Union Building  
18 Committee at that time. I'd need some kind of frame  
19 of reference, I think.

14:13:22 20 BY MR. ROGERS:

21 Q. Okay. Let me see if I can do that.

22 How long were you on the committee?

23 A. I was the building rep and automatically on  
24 the committee for about at least five years.

14:13:42 25 Q. So you left the committee after the fall of

1 2008?

2 A. I believe that's when I left Hillcrest.

3 Q. Okay.

4 A. In early January 2009, I believe.

14:14:00 5 Q. Okay. Let me check a date.

6 Okay. So you left in January 2009.

7 Do you remember the paint incident involving  
8 Ms. Reyes?

9 A. Yes.

14:14:16 10 Q. Okay. Did her name come up at the  
11 committee, the UBC, prior to the paint incident?

12 A. I don't remember. I remember the paint  
13 incident.

14 Q. How often did the committee meet?

14:14:38 15 A. I think we met once a month.

16 Q. Is there somebody named -- I'm trying to  
17 remember. Jill Levin, was she part of the committee?

18 A. Jill?

19 Q. Was it Jill or --

14:14:56 20 MS. MAYLIN: I think it was -- was it Lisa?  
21 Lisa Levin?

22 BY MR. ROGERS:

23 Q. Lisa Levin, was she part of the committee?

24 A. Lisa Levin, I don't remember that name.

14:15:06 25 Q. Okay.

1  
2  
3  
4  
5 I, JULIE ALFORD, Certified Shorthand  
6 Reporter, License No. 7694, do hereby certify:

7 That, prior to being examined, the witness  
8 named in the foregoing deposition, to wit,  
9 PHILIP MILLER, was by me duly sworn to testify the  
10 truth, the whole truth and nothing but the truth:

11 That said transcript was taken down by me in  
12 shorthand at the time and place therein named and  
13 thereafter reduced to computerized transcription  
14 under my direction.

15  
16 I further certify that I am not interested  
17 in the event of the action.

18  
19 WITNESS this 26th day of June, 2012.

20  
21  
22   
23 JULIE ALFORD  
24  
25

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

MARGARET REYES,

Plaintiff,

vs.

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT,

Defendant.

and

AND RELATED CROSS-ACTION

No.  
CV 11-04628 YGR

**CERTIFIED  
COPY**

---oOo---

**VIDEOTAPED DEPOSITION OF**

**MARGARET REYES  
VOLUME 1**

Monday, April 16, 2012

REPORTED BY: JOHN P. SQUIRES, CMR, CRP  
CSR No. 2001

1 again encourage you to have your testimony today be  
2 as careful and thoughtful as possible and also to  
3 make sure that you understand the question before you  
4 answer. All right?

5 A. (Nodding head).

6 Q. You got to say yes if --

7 A. Yes. I understand.

8 Q. Okay. Why don't we just go ahead and start  
9 then.

10 Ms. Reyes, how long have you been employed  
11 by the School District?

12 A. Since 2002.

13 Q. What was your first position with the  
14 district?

15 A. I taught at summer school from I believe  
16 late June of 2002 until I believe -- you know, it may  
17 have actually been early June of 2002 until probably  
18 mid July of 2002.

19 Q. Okay. What grade level; do you recall?

20 A. I believe it was a three/four split, meaning  
21 combination grades, but the children -- three/four  
22 was actually their grade they had been in. They were  
23 going into -- they were approaching grades four and  
24 five.

25 Q. I see. Okay.



1 A. I did, yes.

2 Q. So that puts us up to summer, 2003.

3 A. Yes.

4 Q. Did you return to Yehall Chin?

5 A. Yes.

6 Q. Okay. For 2003/2004?

7 A. Yes.

8 Q. The same grade level, first grade?

9 A. No.

10 Q. What grade level?

11 A. Second grade.

12 Q. Do you recall who the site administrator was  
13 there?

14 A. Yes.

15 Q. What was his or her name?

16 A. Allen A. Lee.

17 Q. Okay. How long did you stay at that site?

18 A. I believe until June of 2005.

19 Q. Where did you go?

20 A. I went to Hillcrest Elementary School.

21 Q. Why did you leave that site?

22 A. Because Mr. Lee gave me paperwork that I was  
23 consolidated.

24 Q. Okay. I understand that the consolidation  
25 process is voluntary, teachers need to volunteer for

1 Q. Okay. And when you joined Hillcrest?

2 A. Kindergarten.

3 Q. And how long were you at Hillcrest?

4 A. Six years.

5 Q. Okay. And when you left Hillcrest what  
6 grade level were you teaching?

7 A. Second grade.

8 Q. And what site are you currently at?

9 A. Lawton Alternative.

10 Q. What grade level do you teach?

11 A. Second grade.

12 Q. Ms. Reyes, do you have a preference for the  
13 grade level that you teach? Do you feel that you're  
14 most suited for a particular grade level?

15 A. Well, I'm credentialed to teach kindergarten  
16 through eighth grade. I'm very open to teaching  
17 various grade levels.

18 Q. Okay. So you don't have a preference per se  
19 or you don't feel more suited to a particular grade  
20 level?

21 A. I'm not sure I completely understand that  
22 question.

23 I feel qualified to teach kindergarten  
24 through eighth grade, so I do feel that I'm very able  
25 and willing to teach any of the grades.

1 of the settlement. I know I'm not supposed to talk  
2 about the settlement.

3 Q. Okay.

4 A. Because something was going to arbitration.  
5 But I dropped it as part of....

6 Q. Okay. And you think that that might be the  
7 one that you dropped?

8 A. Yes. And I -- it might be and there might  
9 have been another one, but I don't know if it was  
10 filed on behalf of me or if the union filed it.

11 Q. Okay. Did that have to do with, as far as  
12 you understood, how the consolidation process worked  
13 in general, not specific to --

14 A. Correct. No. It was specific that the  
15 rules weren't followed.

16 Q. Okay. All right. But in any event the  
17 consolidation stuck and you did go to Hillcrest?

18 A. If you say "stuck," sure.

19 Q. Sure.

20 A. I mean I moved.

21 Q. Okay. When was the next grievance that you  
22 were involved in?

23 A. I think it was the one in 2008.

24 Q. Okay. What was the subject matter of that?

25 A. That a -- again it's quite a long story. Do

1 you want the abbreviated version or the --

2 Q. Oh, yes.

3 A. The abbreviated version.

4 Q. Just what was the subject matter?

5 A. That the principal failed to -- or actually  
6 refused to respond to a situation that he knew was  
7 dangerous to a child he knew had a history of extreme  
8 violence --

9 Q. Okay.

10 A. -- and put myself and, more importantly,  
11 other students and the child himself in great danger.

12 Q. And what was the outcome of that grievance?

13 A. I'm still not sure. I was told by the union  
14 that he was going to be more safe, that there was  
15 going to be more systems in place for responding,  
16 that he had -- I, quite frankly, don't know what the  
17 outcome was.

18 Q. Okay. As far as you know, that grievance  
19 isn't still pending, is it?

20 A. I would highly doubt that.

21 Q. Okay. So the grievance has resolved, you're  
22 just not sure exactly how. Is that fair?

23 A. It's resolved somewhere.

24 Q. Okay. All right. And so that was four  
25 grievances. Have there been others? What's the next

1 one?

2 A. There have.

3 Q. Okay. Next.

4 A. Shortly after that, I felt that -- well, not  
5 felt. Mr. Zapien disciplined me for an art project  
6 and I was told that the discipline, if you will, was  
7 not going to result in anything on my file and what  
8 have you. He told our then union rep that he had  
9 been told by Central Office to move forward with  
10 putting this on my file -- it was over paint -- and  
11 after he had said to our union rep that it was going  
12 to be a verbal warning. I was very disenchanted with  
13 the way he disciplined me and lectured me in front of  
14 students. I was also very disenchanted with the fact  
15 that other people had done the same art project.

16 Q. Okay.

17 A. And --

18 Q. Ms. Reyes, you need to just keep my question  
19 in mind.

20 A. Okay.

21 Q. If I want elaboration, I'll ask you.

22 A. Okay.

23 Q. But in any event, so you grieved the form of  
24 discipline, fair enough?

25 A. I did. And I grieved -- we grieved the

1 fact -- I guess that would be the way it would -- I'm  
2 a little unclear on the -- your statement you just  
3 made. Did I grieve the form of discipline? I think  
4 we grieved his behavior and the fact that I was  
5 disciplined for it.

6 Q. Okay. And what was the outcome of that  
7 grievance, as far as you know?

8 A. So the union made a bargain, if you will,  
9 when they do those to only leave it on my file for  
10 two years. However, when I went back more than two  
11 years later it was still on my file.

12 Q. You're talking about the letter?

13 A. Correct, and the fact that I had been  
14 disciplined and warned. And I went back like more  
15 than two years later and it was still on my file.

16 Q. All right. And do you recall what year it  
17 was that that occurred?

18 A. It was December of 2008.

19 Q. Okay. Any grievances after that?

20 A. Um-hmm.

21 Q. Okay. Next one.

22 A. Okay. I think the next one -- and I think  
23 the last one -- was 2010.

24 Q. What was the subject matter?

25 A. The -- sorry. The evaluation that Ms.

1 information that you have that would establish that  
2 Mr. Lee told Mr. Kwan about the settlement?

3 A. No, I can't.

4 Q. Okay. You don't have any information, do  
5 you, to refute that Mr. Kwan learned about the  
6 settlement through a public record, do you?

7 A. I do not.

8 Q. Okay. And do you know that the School  
9 District necessarily publishes settlement  
10 information, including the amount, when they come out  
11 of closed session in their public minutes?

12 A. I know that now.

13 Q. Okay. Do you have any reason to refute that  
14 Mr. Kwan learned that information from some source  
15 other than Mr. Lee?

16 A. I don't.

17 Q. Okay. So how else was the agreement,  
18 Exhibit 2, violated, ma'am?

19 A. Can you define "Exhibit 2"?

20 Q. The settlement agreement.

21 MR. ROGERS: The settlement agreement.

22 THE WITNESS: Oh. Sorry.

23 Well, when I went to look at my personnel  
24 file, it was -- the agreement was in my personnel  
25 file. This document was in my personnel file.

1 MS. MAYLIN: Q. When was that?

2 A. February of 2011.

3 Q. Okay. And why is it that in February, 2011  
4 you reviewed your personnel file? Any particular  
5 reason?

6 A. Um-hmm.

7 Q. Go ahead.

8 A. We were getting ready to go to the  
9 arbitration regarding the grievance about my  
10 evaluation and it was suggested to me that I go look  
11 at my personnel file, so I did. And it was also  
12 suggested to me that I go and make sure that the --

13 Q. That two-year letter?

14 A. Yes, that it was off.

15 Q. Okay.

16 A. Because the two years had ended briefly  
17 before that.

18 Q. When did the two years end; do you recall?

19 A. Well, it would have been December of 2010  
20 would have been the two-year mark.

21 Q. So you found the settlement agreement. This  
22 Exhibit 2 was in your file?

23 A. It appeared to be. I wasn't able to make  
24 photocopies. I was only allowed to make five  
25 photocopies and I chose to make other photocopies



1 that seemed even more alarming than this.

2 Q. But you recall that the agreement was there?

3 A. What appeared to be, yes. Again, I wasn't  
4 able to make photocopies, but it did look like this,  
5 it had my signature and -- it was quick, but yes.

6 Q. Okay. And did it also have your attorney's  
7 signature?

8 A. To the best of my knowledge, yes.

9 Q. All right. All right. So the settlement  
10 agreement is in your file. And was there anything  
11 else in your file that you believed violated the  
12 agreement?

13 A. Yes.

14 Q. What else?

15 A. Ms. Sagastume ordering people to put it on  
16 my PeopleSoft file. There was an actual e-mail where  
17 she said "Please make this note in PeopleSoft," and  
18 then there was an actual photocopy of my PeopleSoft  
19 folio, if you will, and it said at the bottom  
20 "per" --

21 Q. Settlement agreement?

22 A. Correct.

23 Q. Okay. All right. Anything else?

24 A. Yes.

25 Q. What else?

1 A. There was an e-mail from a person I didn't  
2 know at the time, I am familiar with the person now,  
3 from Mike Quinn. I wasn't familiar with who he was.  
4 But making reference to the settlement agreement.  
5 And it was sent to various people. So there was  
6 reference to the settlement agreement and it was on  
7 my file and printed out and....

8 Q. Okay. And isn't it true that the e-mail  
9 from Mike Quinn was part of an e-mail string that  
10 included the Angie Sagastume e-mail? Do you recall  
11 that?

12 A. I think you're right.

13 Q. Okay.

14 A. Yes, that's my understanding.

15 Q. All right. So that's one document.

16 So now we've got the settlement agreement in  
17 the file, an e-mail from Sagastume with the e-mail  
18 from Quinn. Anything else in your file that you  
19 believe?

20 A. And a separate actual photocopy of the  
21 PeopleSoft folio.

22 Q. Anything else?

23 A. Specifically about the settlement agreement?

24 Q. Um-hmm.

25 A. That's all I can remember at this time. But

1 A. I was under time constraints for various  
2 reasons and there was a lot of paper in the file  
3 and --

4 Q. Okay. Again, ma'am, I didn't ask how many  
5 papers were in the file. I'm asking what you can  
6 recall.

7 MR. ROGERS: Time for a break. I need a  
8 bathroom break.

9 MS. MAYLIN: Okay. That's fine.

10 THE VIDEOGRAPHER: 3:27 p.m.

11 We're on the record. It's 3:32 p.m.

12 MS. MAYLIN: Q. Okay. Did you again after  
13 March, 2011 review your personnel file?

14 A. No.

15 Q. So the last time you looked at it there was  
16 still the Sagastume e-mail with the Quinn e-mail and  
17 you think probably the PeopleSoft snapshot?

18 A. Yes.

19 Q. Okay. All right. Do you believe the  
20 settlement agreement has been violated in any other  
21 way?

22 A. Yes.

23 Q. In what other way do you believe it's been  
24 violated?

25 A. Up until I think about a month ago they

1 honored my seven days that they were supposed to  
2 credit me. I'm fairly certain they did it March 1st  
3 of 2012.

4 Q. So they were untimely doing that?

5 A. I think six or seven years is untimely by  
6 most people's....

7 Q. Any other way that the agreement has been  
8 violated as far as you know?

9 A. Yes.

10 Q. How else?

11 A. Many years I would get something in the mail  
12 stating that my seniority date was different than  
13 what my actual seniority date is and I would fax  
14 something back saying my seniority date is 8-21-02,  
15 and then the next year I would get something saying  
16 it was December of '02 or March of '03 or whatever.  
17 So, yes. They didn't -- they didn't honor the part  
18 where it said my seniority date will be reflective of  
19 what is actually my seniority date, 8-21-02.

20 Q. Okay.

21 A. And that was my seniority date. It wasn't  
22 part of the legal settlement agreement. They made a  
23 mistake. Anyways....

24 Q. And when is the last time you received a  
25 communication from the District that contained a

1 misstatement of your seniority date?

2 A. For sure, I got one in 2010.

3 Q. Okay.

4 A. And 2009 and 2008.

5 Q. So the last one that you can recall you got  
6 in 2010?

7 A. Yes. I might have gotten one in 2011. I'm  
8 not positive.

9 Q. Okay. And it is true, isn't it, that as to  
10 the seniority date and the credit for -- seven days  
11 was it?

12 A. Um-hmm.

13 Q. -- the untimeliness of getting those days  
14 put on your record or the seniority date being  
15 correctly referenced in your personnel records, you  
16 haven't suffered any detriment because of those  
17 things, have you? You haven't been subjected to a  
18 layoff or consolidation or lost any benefits --

19 A. No.

20 Q. -- correct?

21 A. No, I've not.

22 Q. Okay. Okay. And do you have any reason to  
23 state -- do you have any information on which you  
24 base a belief that any of those errors contained in  
25 your personnel file, including personnel records,

1 one?

2 A. Sure, if that would help.

3 Q. Well, can you answer now? If you can, then  
4 I won't have to go one by one.

5 A. I can't answer now. I mean you're asking --

6 Q. Let me go one by one.

7 A. Okay.

8 Q. Okay. You have a recollection that in  
9 February, 2011 you observed the settlement agreement,  
10 Exhibit 2, in your personnel file, right?

11 A. Um-hmm.

12 Q. Do you have any reason to believe that it  
13 was placed there outside of a bureaucratic error,  
14 somebody put it in there by mistake?

15 A. I haven't a clue. How would I --

16 Q. That answers my question. Let's go on to  
17 the next one.

18 Do you have any reason to say that the Quinn  
19 and Sagastume e-mail got placed in your personnel  
20 file by any other reason other than a mistake?

21 MR. ROGERS: Objection, attorney-client  
22 privilege.

23 Do not include in your answer any  
24 communications from me.

25 THE WITNESS: That's a pretty hard mistake

1 to make, Ms. Maylin.

2 MS. MAYLIN: Q. And I'm asking for  
3 information.

4 A. I can't imagine that that was a mistake.

5 Q. For example, you read something, you heard  
6 something, somebody told you I heard that Mr. Lee  
7 announced in a meeting that he put that e-mail in her  
8 file in order to ruin her future with the District.

9 Do you have something to say that that  
10 document got in your personnel file for any reason  
11 other than it was a mistake?

12 A. The words on the documents gave me reason to  
13 believe it wasn't a mistake.

14 Q. Any other basis to believe that it wasn't a  
15 mistake?

16 A. Printing something out and putting it in a  
17 personnel file is fairly deliberate.

18 Q. Okay. Anything else?

19 A. The way that Mr. Zapien treated me was --

20 Q. Do you believe that Mr. Zapien facilitated,  
21 directed that that e-mail be placed in your personnel  
22 file?

23 A. I don't know.

24 Q. Okay. It is true, isn't it, that you don't  
25 have any understanding at all of how that got placed

1 in your personnel file or why? Correct?

2 A. I wasn't there when it was put in, so --

3 Q. So is the answer correct?

4 A. I don't know.

5 Q. And you don't know, do you, why it is that  
6 your seniority date -- that it took some years for  
7 your seniority date to get sorted out, correct, on  
8 your personnel records?

9 A. It took more than some years. It took --

10 Q. Regardless of the time --

11 A. It took attorney letters and it still  
12 didn't.

13 Q. Okay.

14 A. So it did start to feel deliberate when it's  
15 brought to people's attention through letters, more  
16 than one, that --

17 Q. Other than the time, ma'am, do you have any  
18 reason --

19 A. The time and the amount of requests.

20 Q. Okay. Anything else on that issue?

21 A. The things that Mike Quinn said about me in  
22 the e-mail.

23 Q. Did he say to all staff, make sure that Ms.  
24 Reyes' seniority date never gets corrected?

25 Do you have any basis to believe that the



1 seniority date took as long as it did to get  
2 corrected because of someone's specific intent to  
3 hurt you?

4 A. I don't know.

5 Q. Okay. Same question as to the late credit  
6 of you getting those seven days credit. Do you have  
7 any information that it took as long as it took for  
8 you to get those seven days put on your personnel  
9 record because of somebody's ill motive specifically  
10 to hurt you?

11 MR. ROGERS: Again objection  
12 attorney-client, privilege.

13 In your answer don't include communications  
14 from me.

15 MS. MAYLIN: Q. Go ahead. Do you know?

16 A. Well, I know that it was part of the  
17 settlement agreement and it wasn't honored.

18 I mean the motive at this point, Ms.  
19 Maylin --

20 Q. I'm asking about the motive. Do you know  
21 anything about the motive? Yes or no.

22 A. That specific motive, no.

23 Q. All right. Do you believe the agreement has  
24 been violated in any other way than what we've  
25 discussed?

1 Q. Okay. So back to the PAR-referral  
2 situation. You had multiple conversations with  
3 Dennis Kelly about you being referred to the PAR  
4 program, didn't you?

5 A. "Multiple" meaning more than one?

6 Q. Oh, yes.

7 A. Yes, I had more than one.

8 Q. Okay. How many would you say?

9 A. I'm not sure.

10 Q. Too many to count?

11 A. No. I would be able to count it if I had  
12 been keeping track, but I wasn't.

13 Q. Can you give me an estimate of how many?

14 A. I cannot.

15 Q. Okay. And you certainly understood, if not  
16 at the beginning of your knowledge that you were  
17 referred to the PAR program, certainly after speaking  
18 with him on multiple times, that you were referred to  
19 the PAR program by -- it was a UBC referral, correct?

20 A. No. He told me it was Mr. Zapien --

21 Q. Okay.

22 A. -- that wrote the letter and that referred  
23 me and that Mr. Zapien used the UBC route is what he  
24 told me.

25 Q. Okay. Did you receive letters that refute

1 notice letters from? Did you get them in the mail --

2 A. After that, after I called Dennis Kelly,  
3 they sent it to me in school mail several days after.

4 Dennis Kelly admitted that they hadn't  
5 notified me. That was not....

6 Q. Okay. When you got the letters, did you see  
7 that the letters were dated before your meeting with  
8 Ms. Gonzalez?

9 A. They were dated a couple days before the  
10 meeting, before she showed up at my school.

11 Q. Did you ever get them through your home  
12 mail?

13 A. I did not.

14 Q. And the only way you got them through your  
15 school mail was from Mr. Kelly? Or do you know?

16 A. I think it came from HR.

17 Q. Okay. All righty. In any event, you had  
18 many conversations with Mr. Kelly about it.

19 Did you have another conversation with Ms.  
20 Gonzalez about it?

21 A. Yes.

22 Q. Okay. She met with you again after that  
23 first meeting?

24 A. Yes.

25 Q. Okay. And at some point you reached an

1 agreement through your union that the PAR program  
2 would not be the involuntary process but the  
3 voluntary process. Does that resonate with you or  
4 no?

5 A. Yes.

6 Q. Okay. And what's your understanding of how  
7 that agreement came to be?

8 A. It's quite a narrative. Do you want a  
9 narrative? It's quite a long narrative.

10 Q. Okay. Was that something you negotiated  
11 with Mr. -- through Mr. Kelly with the District?

12 A. Yes, yes.

13 Q. Okay. And so you were part of the voluntary  
14 PAR program?

15 A. Yes.

16 Q. Are you still on that voluntary PAR program?

17 A. No.

18 Q. Okay. When did it end?

19 A. Either October or November or December of  
20 2011.

21 Q. And who was your PAR coach, Ms. Reyes?

22 A. Ms. Victoria Gonzalez.

23 Q. Did you communicate with anybody else about  
24 the PAR process other than Ms. Gonzalez and Mr. Kelly  
25 and Mr. Brill?

1 certainly didn't get any benefit from the process,  
2 did you?

3 A. I might have -- I don't -- I don't know that  
4 that's fair to say.

5 Q. Okay. What benefit do you believe you may  
6 have gotten from the process?

7 A. When I started working with Ms. Gonzalez,  
8 she was -- she gave me a little wind -- or a little  
9 chime that was quite nice and I still use it, a  
10 little chime that you chime.

11 Q. Okay.

12 A. She told quite engaging stories about her  
13 teaching years. She told very engaging stories about  
14 her life as a teacher. She told engaging stories  
15 about her life in general.

16 Q. And did any of those stories benefit you in  
17 any way? Were you able to apply anything that you  
18 heard or learned from this experienced coach to where  
19 it benefitted you at all?

20 A. Yeah.

21 Q. Okay. In looking back -- it was a  
22 couple-of-month process, was it?

23 A. Um-hmm.

24 Q. That's a yes?


25 A. Yes.

CERTIFICATE OF REPORTER

I, JOHN P. SQUIRES, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition, MARGARET REYES, was duly sworn by me; that the testimony of said witness was taken down in shorthand by me at the time and place herein stated; that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision.

I further certify that I am not of counsel or attorney for any of the parties to said cause, nor in any way interested in the outcome of this cause and I am not related to any of the parties thereto.

I declare under penalty of perjury that the foregoing is true and correct. I have hereunto set my hand on April 23, 2012.

  
John P. Squires, CSR No. 2001